

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN S. MARESCA,
ROBERT D. HAYES, BRENT R. JENSEN, EDWARD KOBEDA,
ERIC T. LAMBERT, MICHAEL J. WHITNEY,
KATHERINE J. PEARSALL, BENJAMIN J. STEELE JR.,
and PAUL A. ZULPA

Appeal 2007-0223
Application 09/752,090¹
Technology Center 2100

Decided: July 19, 2007

Before LEE E. BARRETT, JOSEPH L. DIXON, and
HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

BARRETT, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Final Rejection of claims 44-79. Claims 1-43 have been canceled. We have jurisdiction pursuant to 35 U.S.C. § 6(b).

We affirm-in-part.

¹ Application for patent filed December 29, 2000, entitled "Method and System for Providing an End-to-End Business Process for Electronic Supplier Qualification and Quality Management," now U.S. Publication US 2002/0087372 ('372 publication), published July 4, 2002.

BACKGROUND

The invention relates to facilitating supplier qualification and quality management functions in a communications network environment.

Claim 44 is illustrative:

44. A method for facilitating supplier qualification and quality management functions in a communications network environment, comprising:

qualifying suppliers, parts, and technologies in a collaborative network environment via a web-based user interface and shared data repository, said qualifying suppliers, parts, and technologies including:

acquiring supplier capabilities, part data, and supplier technology data from at least one collaborative source via said web-based user interface, said collaborative source including a supplier, a manufacturing representative, and at least one of an electronic catalog and a commercial data repository;

storing acquired data in said shared data repository, said acquired data accessible to affected collaborative sources; and

performing quality management functions via said web-based user interface and shared data repository, said quality management functions including at least one of:

- managing identified changes to a supplier product;
- managing process changes proposed by a supplier;
- assessing quality metrics provided by a supplier.

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THE REFERENCES

Aycock	US 5,765,138	Jun. 9, 1998
Gervais	US 6,381,579 B1	Apr. 30, 2002
		(filed Jun. 17, 1999)

THE REJECTION

Claims 44-79 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Aycock and Gervais.

DISCUSSION

Claim groupings

Appellants argue the following groups of claims separately, where the claims in each group stand or fall together:

- Group 1 - Claims 44, 55, and 66
- Group 2 - Claims 77-79
- Group 3 - Claims 45, 56, and 67
- Group 4 - Claims 47, 58, and 69
- Group 5 - Claims 50, 51, 61, 62, 72, and 73
- Group 6 - Claims 52, 63, and 74
- Group 7 - Claims 53, 64, and 75

One of method claims 44-54 and 77 is analyzed as representative of the claims in each group. Claims 46, 48, 49, 54, 57, 59, 60, 65, 68, 70, 71, and 76 are not argued separately. Therefore, claims 48, 49, 59, 60, 70, and 71 are grouped with the claims in Group 1; claims 46, 57, and 68 are grouped with the claims in Group 3, claims 54, 65, and 76 are grouped with the claims in Group 4.

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Group 1 - claims 44, 48, 49, 55, 59, 60, 66, 70, and 71

The Examiner reads the limitations of claim 44 onto Aycock and finds that Aycock teaches the claimed invention except for a "web-based user interface" and a "shared data repository" (Final Rejection 2). The Examiner finds that Gervais disclosed a Web-based user interface and a shared data repository for manufacturers and suppliers in a collaborative environment and concludes that it would have been obvious to incorporate the Web-based user interface and shared data repository teachings of Gervais into Aycock because one would want to enhance the ability of a business enterprise to organize access and sharing of information (Final Rejection 2-3).

(1)

The Examiner finds that Aycock discloses the claim limitation of "qualifying suppliers, parts, and technologies in a collaborative network environment" at column 3, lines 45-52, and column 7, lines 1-16 (Final Rejection 2).

Appellants quotes column 3, lines 45-52, and argues (Br. 11): "While Aycock may teach some aspect of supplier qualification, it is devoid of teaching or suggesting qualifying *suppliers, parts and technologies*. The general reference made in Aycock to a database that stores past and present audit and performance data does not necessarily result in a capability to perform qualification of supplier parts and technologies." (We assume "supplier parts and technologies" in the second sentence was meant to be "suppliers, parts, and technologies.")

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The first issue is whether Appellants have shown that the Examiner erred in finding that Aycock discloses "qualifying suppliers, parts, and technologies."

Aycock discloses an apparatus and method for "interactive evaluation of suppliers as proposed vendors for a project" (Abstract), "vendor qualification" (col. 1, ll. 11-56), and a "system for the evaluation of suppliers for a project" (col. 3, ll. 43-44). Therefore, Aycock discloses "qualifying suppliers."

Aycock discloses that an "important consideration in vendor qualification is quality (a product and/or service free from defects) and reliability (a product having a relatively long mean time between failures)" (col. 1, ll. 32-35). Aycock discloses that "[t]he on-site audit includes validating the supplier responses to the RFP/RFQ, either by performing actual tests on hardware or software systems, and/or by reviewing the quality control procedures and processes at the supplier site" (col. 8, ll. 27-31). Thus, qualifying the suppliers can involve "qualifying parts," where the parts can be hardware or software.

Aycock discloses that "the request for proposal/request for quotation (RFP/RFQ) . . . includes requirements for technical specifications" (col. 6, ll. 1-3), where the Examiner finds the "technical specification" to correspond to "technologies" (Answer 4). We find no error in the Examiner's position that "technical specifications" can be considered "technologies," as broadly

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claimed, which are qualified as part of the supplier qualification. Thus, qualifying the suppliers involves "qualifying technologies."

We conclude that Appellants have not shown that the Examiner erred in finding that Aycock discloses "qualifying suppliers, parts, and technologies."

(2)

The Examiner also finds that Aycock discloses the claim limitation of "said collaborative source including a supplier, a manufacturing representative, and . . . an electronic catalog" at column 1, lines 21-30, and column 2, line 56, to column 3, line 22) (Final Rejection 2).

Appellants argue (Br. 11-12):

Aycock, however, is devoid of teaching a collaborative source. The source of supplier information disclosed in Aycock is, at best, a source; it is not a *collaborative* source. Aycock states "vendor requirements are selected for vendor qualification . . . provided to a supplier [and] . . . after receiving supplier responses to the requirements, the supplier responses are assigned a scaled score" (column 2, line 64 - column 3, line 4). Collaboration suggests more than sending requests and receiving responses.

Appellants further argue that the "recognition by the examiner that Aycock does not teach a web based user interface and shared data repository lends strength to the Appellants['] contention that Aycock does not disclose collaborative elements as referenced above" (Br. 12) because "[t]he web based user interface and shared data repository . . . are integral components and functions corresponding to these collaborative elements" (Br. 12).

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The second issue is whether Appellants have shown that the Examiner erred in finding that Aycock discloses "said collaborative source including a supplier, a manufacturing representative, and . . . an electronic catalog."

Aycock discloses a supplier evaluation system 60 at Figure 2 designed to allow generating a RFP/RFQ in an efficient manner by enabling access to a plurality of evaluation system databases, to enable downloading of a RFP/RFQ to a supplier, and to enable the supplier to have limited access to the evaluation system databases (e.g., col. 9, ll. 3-21). The system includes a specification database 62, a vendor database 64, and a "product database 66 that identifies product performance and reliability for existing products supplied by existing and prior vendors" (col. 9, ll. 59-62). A "business terminal system 70 provides a graphic user interface for a system designer designing the RFP/RFQ and a buyer evaluating suppliers" (col. 10, ll. 23-25). Alternatively, the business terminal system 70a may be remotely accessible to the main processing system via a network 72 (col. 10, ll. 20-23). The main processing system includes a supplier interface 69 enabling remote access of a supplier site 74 via communications network 72 (col. 10, ll. 55-62). The supplier may selectively access the databases of the supplier evaluation system (e.g., col. 10, ll. 62-67).

The system in Figure 2 of Aycock is for "qualifying suppliers, parts, and technologies." The product database 66 in Aycock corresponds to the claimed source of an "electronic catalog." The business terminal systems 70 and 70a may provide source input from "a buyer evaluating suppliers"

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(col. 10, l. 25), which corresponds to the claimed source of a "manufacturing representative." The supplier at supplier site 74 provides input and corresponds to the claimed source of a "supplier." As to Appellants' arguments that the "source of supplier information disclosed in Aycock is, at best, a source; it is not a *collaborative* source" (Br. 12), the supplier in Aycock has access to the evaluation databases and uploads the RFP/RFQ responses directly to the supplier evaluation system (col. 9, ll. 13-21; col. 10, l. 62, to col. 11, l. 9). Because the manufacturing representative and the supplier can work from the same documents over a network (albeit the supplier in a more limited manner), this appears to meet the claim limitations of a "collaborative network environment" and a "collaborative source." Appellants have not specifically defined or argued what is meant by "collaborative" or said how much collaboration is actually required; thus, even a small amount of collaboration is all that is required to meet the broad claim language. We will not read implied limitations into the word "collaborative." Finally, since the suppliers and the buyer have access to the evaluation system databases (col. 9, ll. 13-17; col. 10, ll. 62-67; col. 12, l. 57, to col. 13, l. 4), the databases can be considered a "shared data repository" for the collaboration system.

For these reasons, we conclude that Appellants have not shown that the Examiner erred in finding that Aycock discloses "said collaborative source including a supplier, a manufacturing representative, and . . . an electronic catalog."

(3)

Appellants acknowledge that the Examiner has combined Gervais with Aycock for its teaching the Web-based user interface and shared data repository (Br. 12). It is argued that "[b]ecause Aycock does not disclose the limitations indicated above with respect to claims 44, 66, and 77-79, Gervais can not cure the deficiencies therein" (Br. 12). Thus, Appellants do not contest the combination with Gervais.

It is noted that Aycock discloses a network based system in Figure 2, but does not disclose that the network is the "Web." We agree with the Examiner that one of ordinary skill in the art would have been motivated to use a "Web" based system even without a reference because it was notoriously well-known to conduct business and communication on the World Wide Web of the Internet. Both the supplier and the buyer have user interfaces (Figure 6 for supplier; col. 10, ll. 23-25 for the buyer). Nevertheless, Gervais expressly discloses a Web-based user interface and one skilled in the art would have been motivated to use a Web-based interface as taught by Gervais for the network-based interface in Aycock because of the widespread usage of the Internet and World Wide Web.

As noted in section (2), since the suppliers and the buyer have access to the evaluation system databases (col. 9, ll. 13-17; col. 10, ll. 62-67), the databases can be considered a "shared data repository" for the collaboration system.

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Conclusion

We conclude that the Examiner has established a *prima facie* case of obviousness as to claim 44, which has not been rebutted. The rejection of claims 44, 48, 49, 55, 59, 60, 66, 70, and 71 is *affirmed*.

Group 2 - claims 77-79

Claim 77 corresponds to the combination of independent claim 44 and dependent claims 48 and 49. Claim 78 corresponds to the combination of independent claim 55 and dependent claims 59 and 60. Claim 79 corresponds to the combination of independent claim 66 and dependent claims 70 and 71. Method claim 77 is selected as representative of this group. The arguments with respect to limitations of claims 77-79 common to claims 44, 55, and 66 are addressed in the discussion of Group 1.

As to the additional limitations of "placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed" in claim 77, the Examiner refers to Figure 2 and column 9, lines 3-35 of Aycock (Final Rejection 3-4).

Appellants argue (Br. 13):

If the Examiner is somehow suggesting that the standards recited in Aycock are synonymous with the technology surveys recited in Appellants['] claims, this interpretation is in error. The standards disclosed in Aycock are not technology surveys, the latter of which relates to questions that solicit structured responses for a given technology.

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Additionally, Aycock is devoid of teaching or suggesting that said technology survey is *associated with an engineering organization* related to a technology being surveyed.

The issue is whether Appellants have shown that the Examiner erred in finding that Aycock discloses or suggests "placing a technology survey on the Web, said technology survey accessible to at least one supplier, said technology survey associated with an engineering organization related to a technology being surveyed."

Appellants' Specification describes a "technical survey" as "a series of technical questions that begin the technology qualification process" ('372 publication ¶ 21). The Specification does not describe what kind of technical questions are in the technical survey. Aycock discloses that the suppliers perform a self-evaluation/verification in which they respond to questions (col. 12, ll. 37-56) and we see no reason why this cannot be termed a "technical survey" absent a specific definition by Appellants. The supplier qualification is based on hardware and software standards (col. 5, ll. 19-36), such as hardware and software requirements for a voice mail system (col. 5, ll. 44-65), and examples are given of an automobile manufacturer, a high-technology systems integrator, and a telecommunications company (col. 1, ll. 16-31), so one of ordinary skill in the art would reasonably find the buyer sending out the RFP/RFQ in Aycock to be an engineering organization; i.e., the buyer is looking to evaluate suppliers for building a product which requires engineering. We conclude that the Examiner has established a

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prima facie case of obviousness as to claim 77, which has not been rebutted. The rejection of claims 77-79 is *affirmed*.

Group 3 - claims 45, 56, and 67

Representative claim 45 recites "recommending at least one of a technology, part, and supplier based on a purchasing entity's requirements via said web-based user interface."

The Examiner finds that Aycock discloses recommending a supplier at column 3, lines 35-60 (Final Rejection 3). Appellants argue that Aycock does not teach a Web-based user interface and shared data repository, lending strength to Appellants' contention that Aycock does not disclose collaborative elements (Br. 14).

The issue is whether Appellants have shown that the Examiner erred in concluding that the combination of Aycock and Gervais discloses or suggests the limitations of claim 45.

Aycock provides a network-based system and method for interactive evaluation and qualification (i.e., approval or recommending) of suppliers (e.g., Figure 1, block 32). The method may involve evaluations of hardware equipment or software (i.e., parts) (col. 8, ll. 27-31). Accordingly, Aycock discloses the limitations of recommending a part and supplier in claim 45, but not a "web-based" user interface. Aycock discloses a network-based user interface, but does not disclose that the network is the "Web." Appellants have not argued and, thus, have not pointed to any error in the Examiner's finding that Gervais discloses a Web-based user interface, or

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conclusion that such a system could be used for the network-base user interface in Aycock. Thus, the rejection of claims 45, 56, and 67 is *affirmed*.

Group 4 - claims 47, 54, 58, 65, 69, and 76

Representative claims 47 recites "auditing a supplier and submitting results of said auditing to said shared data repository, said results accessible to affected collaborative sources via said web-based user interface."

The Examiner finds Aycock discloses auditing a supplier and submitting results to a data repository at column 3, lines 35-60, while Gervais discloses making results accessible to affected collaborative sources via a web-based user interface at Figure 1 and column 1, lines 55-67 (Final Rejection 3). Appellants argue that Aycock does not teach a web-based user interface and shared data repository, lending strength to Appellants' contention that Aycock does not disclose collaborative elements (Br. 14).

The issue is whether Appellants have shown that the Examiner erred in concluding that the combination of Aycock and Gervais discloses or suggests the limitations of claim 47.

Appellants have not pointed to any error in the Examiner's findings that Aycock discloses auditing a supplier and submitting the results to a data repository and that Gervais discloses a Web-based user interface, or to any error in the Examiner's conclusion that such Web-based system in Gervais could be used for the network-base user interface in Aycock. Although the Examiner finds that Aycock does not disclose a "shared" data repository, as noted in the discussion of Group 1, since the suppliers and the buyer have

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access to the evaluation system databases in Aycock over a network (col. 9, ll. 13-17; col. 10, ll. 62-67; col. 12, l. 57, to col. 13, l. 4), the databases can be considered a "shared data repository" in a "collaboration network environment." We conclude that Appellants have not shown that the Examiner erred in concluding that the combination of Aycock and Gervais discloses or suggests the limitations of claim 47. Thus, the rejection of claims 47, 58, and 69 is *affirmed*. Claims 54, 65, and 76 are not separately argued and therefore stand or fall with claims 47, 58, and 69. The rejection of claims 54, 65, and 76 is *affirmed*.

Group 5 - claims 50, 51, 61, 62, 72, and 73

Representative claim 50 recites "said managing proposed changes to a supplier process includes: submitting a proposed process change to said shared data repository by a supplier, said proposed change accessible to collaborative sources affected by said proposed process change via a web-based user interface; accessing said proposed process change; analyzing said proposed process change; and determining whether to accept said proposed process change based upon said analyzing." Representative claim 51 recites "[t]he method of claim 50, wherein said proposed changes include at least one short-term process change, long-term process change, and off-specification change."

The Examiner finds that Aycock and Gervais do not disclose that the data is a proposed change. The Examiner takes Official Notice that a proposed change including a short term process change by a supplier was

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well-known in the art and concludes that it would have been obvious to incorporate this well-known knowledge into the combination of Aycock and Gervais "to enhance the ability of a business enterprise[] to organize access and sharing of information and application and to facilit[ate] the management of supplier qualification" (Final Rejection 5).

Appellants note the Examiner's reasoning but do not respond to it (Br. 15-16). Appellants note that claims recite that the proposed process changes are provided to a shared data repository and are accessible to collaborative sources via said web-based user interface, and that the proposed process change is accessed, analyzed, and a determination is made whether to accept the proposed process change. It is argued (Br. 16): "These limitations clearly reflect the collaborative process that is featured in the claims and which is not taught by Aycock or Gervais. The web based user interface, shared data repository, and accessibility to affected collaborative sources via web based user interface, all firmly support the Appellants['] contentions that the limitations clearly distinguish these claims from Aycock and Gervais."

The issue is whether Appellants have shown that the Examiner erred in concluding that the combination of Aycock and Gervais discloses or suggests the limitations of claims 50 and 51.

Appellants do not address the substance of the Examiner's rejection. Appellants do not traverse the Examiner's finding of Official Notice and do not say why it would not have been obvious for the data in Aycock to be

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short term process changes. Thus, Appellants have not shown any error in the Examiner's rejection. As noted in the discussion of Group 1, since the suppliers and the buyer have access to the evaluation system databases in Aycock over a network (col. 9, ll. 13-17; col. 10, ll. 62-67; col. 12, l. 57, to col. 13, l. 4), the databases can be considered a "shared data repository" in a "collaboration network environment."

Aycock discloses that the system allows buyers to "respond to supplier queries regarding issued RFP/RFQ's" (col. 3, ll. 57-58). We agree with the Examiner that one of ordinary skill in the art would have been motivated to include "a proposed process change" (claim 50) to the RFP/RFQ, where the change could be "one of short-term process change, long-term process change, and off-specification change" (claim 51) in view of the unchallenged Official Notice that proposed process changes by suppliers were well known. That is, we agree that it was well known that suppliers would have many suggestions for proposed changes in an RFP/RFQ, e.g., to clarify the RFP/RFQ or to change the requirements so that their parts or technologies would qualify, and that one of ordinary skill in the art would have appreciated that the "supplier queries regarding issued RFP/RFQ's" (col. 3, ll. 57-58) could include proposed changes. We conclude that Appellants have not shown that the Examiner erred in determining that the combination of Aycock and Gervais discloses or suggests the limitations of claims 50 and 51. Accordingly, the rejection of claims 50, 51, 61, 62, 72, and 73 is *affirmed*.

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Group 6 - claims 52, 63, and 74

Representative claim 52 recites "said performing quality management functions includes: identifying potential problems relating to a supplier; alerting affected collaborative sources of said potential problems; notifying management; and collaborating with said supplier associated with said potential problems for determining a resolution; and generating a problem report."

The Examiner finds these limitations taught at column 9, line 20 to column 13, line 12, and column 8, lines 1-37 of Aycock. Appellants argue that there is no teaching of any notification to management, much less a notification of potential problems (Br. 16).

The issue is whether Appellants have shown that the Examiner erred in concluding that the combination of Aycock and Gervais discloses or suggests the limitations of claim 52.

The Examiner has not specifically described how the teachings of Aycock or Gervais correspond to the limitations of claim 52. While it may be that a system and method for qualifying suppliers will identify potential problems and the buyer will work with the supplier to resolve the problem, we do not find these limitations disclosed in Aycock or Gervais. Aycock does go on to additional analysis if a supplier is not automatically approved in step 32 of Figure 1, but it does not appear that this is based on potential problems. It does not appear that the combination of Aycock and Gervais

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discloses or suggests the limitations of claim 52. Accordingly, the rejection of claims 52, 63, and 74 is *reversed*.

Group 7 - Claims 53, 64, and 75

Since the rejection of claims 52, 63, and 74 has been reversed in Group 6, the rejection of claims 53, 64, and 75 which depend therefrom is also *reversed*.

CONCLUSION

The rejection of claims 44-51, 54-62, 65-73, and 76-79 is affirmed.

The rejection of claims 52, 53, 63, 64, 74, and 75 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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